

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

SKYLAR MARTI SCHNIPPEL,

Petitioner,

v.

**CIVIL ACTION NO.: 3:22-CV-115
(GROH)**

FREDERICK ENTZEL, JR.,

Respondent.

**NOTICE OF DEFICIENT PLEADING
AND INTENT TO STRIKE PLEADING**

On July 5, 2022, Petitioner initiated this action, with an attached typewritten 29-page memorandum of law. ECF Nos. 1, 1-1. Petitioner paid the filing fee on July 19, 2022. ECF No. 5.

Although the petition was filed on a Court-approved form, Petitioner failed to comply with the Local Rules of Prisoner Litigation Procedure (“LR PL P”) in regard to the excess pages. The LR PL P govern the procedure for prisoner-instigated litigation in the United States District Court for the Northern District of West Virginia, including proceedings filed pursuant to: 28 U.S.C. §§ 2241, 2254, and 2255; 42 U.S.C. § 1983; Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971); and the Federal Tort Claims Act. LR PL P 3.4(d) provides that “[n]o more than five (5) typewritten pages or ten (10) legibly printed pages may be attached to any Court-approved form unless accompanied by a motion for leave to file excess pages.” (Emphasis in original). LR PL P 3.4(e) provides that “Additional pages shall be printed or typed on standard white 8 ½ by 11 inch-size, lined notebook or legal pad paper.

Only one side of the page shall be used. Each page shall be numbered consecutively. The printing or typewriting shall be no smaller than the standard elite type and shall contain numbered paragraphs which correspond to the numbered paragraphs on the Court-approved form. The typing or printing on each page shall be double spaced. Exhibits submitted for filing shall be on 8 ½ by 11 inch paper.” (Emphasis in original). LR PL P 5 provides that “[i]f a pleading received by the Court does not comply with the requirements of these Rules, it will be stricken from the docket by the Court and returned to the prisoner.”

In this case, Petitioner has:

- Attached a 29-page typewritten memorandum of law which is not accompanied by a motion to file excess pages.
- Attached a 29-page typewritten memorandum of law which does not contain numbered paragraphs which correspond to the numbered paragraphs on the Court-approved form. LR PL P 3.4(e).

Accordingly, the Court is giving NOTICE that if the Petitioner fails to re-file the memorandum of law in accordance with the Local Rules of Prisoner Litigation Procedure:

- The memorandum will be stricken from the docket within thirty (30) days from the date of this notice. LR PL P 3.4.

The Clerk of Court is further DIRECTED to mail a copy of this Order to the pro se Petitioner by certified mail, return receipt requested, to his last known address as reflected on the docket sheet.

DATED: August 2, 2022

/s/ Robert W. Trumble
ROBERT W. TRUMBLE
UNITED STATES MAGISTRATE JUDGE